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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,322	12/16/2003	Jaime Marcelo Narca Munoz	030358	5941
26285	7590	12/15/2008	EXAMINER	
K&I. GATES LLP			DANNEMAN, PAUL	
535 SMITHFIELD STREET			ART UNIT	
PITTSBURGH, PA 15222			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/737,322

**Applicant(s)**

MUNOZ ET AL.

**Examiner**

PAUL DANNEMAN

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 September 2008 has been entered.

##### **Status of the Claims**

2. This action is in response to Applicant's Request for Continued Examination (RCE) filed on 15 September 2008.
3. Claims 1, 3-5, 7-10, 15, 16 and 19 have been amended.
4. Claims 1-20 are pending and have been examined in this response.

##### **Response to Arguments**

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

##### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claim 5** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites "the account airtime balance comprises a financial equivalent of communication time."

The applicant has distinguished airtime to be a measurement of time; Claim 5 is redefining airtime to be a financial equivalent. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. **Claims 1-14, and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Loureiro et al., US 6,934,528 B2 hereafter known as Loureiro, further view of Ung et al., US 6,907,116 B2 hereafter known as Ung.

**Claims 1, 15 and 19:**

With regard to the following limitations:

- ***An account management server operating on a plurality of user communication accounts.***

Loureiro in at least Column 1, lines 38-42 discloses that traditionally only post-paid (i.e. contract) customers have benefited from customer hierarchies. Loureiro in at least Column 1, lines 32-47 discloses an invention to enable customers to create customer hierarchies, at both the account and subscription levels. Loureiro further discloses an account managing different types of accounts and subscriptions. Loureiro further discloses that the present invention is enabled to consolidate post-paid and pre-paid subscriptions and accounts within the customer hierarchy.

- ***Account manager can transfer account balances between accounts.***

Loureiro in at least Column 5, lines 12-16 and Column 6, lines 23-44 discloses that after the creation or modification of the customer hierarchy is completed, customers may perform account functions including balance transfers, configurable reload patterns, account value reload, and service value reload.

- ***Account balances are comprised of a measurement of communication time.***

Loureiro does not specifically disclose the account balances being comprised of a measurement of communication time. However, Ung in at least Fig.1, Fig.3 and Column 1, lines 27-35 and lines 56-67 discloses that with the advent of the Advanced Intelligent Network (AIN) associated

with wireless and landline services, subscribers now have numerous service offerings such as Call Redirection, Call Screening, Interactive Voice Response (IVR), custom billing, etcetera. Ung in at least Column 2, lines 64-67 and Column 3, lines 1-6 discloses that the subscriber's account balance can be in dollars or remaining time.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine Loureiro's well known hierarchal creation elements with Ung's account balance elements with the motivation of providing subscribers with a detailed accounting of their account balances in either a monetary or remaining time basis.

**Claim 20:**

With regard to the limitation:

- ***Computer readable medium comprises at least one disk and a device.***

Loureiro in at least Fig.2 and Column 3, lines 45-55 discloses a network system comprised of a computer, a network and storage storing a self-built customer hierarchy containing accounts and/or subscriptions.

**Claim 2:**

With regard to the further limitation of Claim 1:

- ***Account user information comprises a plurality of shared users.***

Loureiro in at least Column 5, lines 12-16 and Column 6, lines 23-44 discloses that after the creation or modification of the customer hierarchy is completed, customers may perform account functions including balance transfers, configurable reload patterns, account value reload, and service value reload.

**Claims 3-9:**

Claim 1 is rejected as above, with regard to the further limitations:

- *Account balance comprises a total airtime balance.*
- *Account airtime balance comprises a plurality of balances for different account services.*
- *Account airtime balance comprises the financial equivalent of communication time.*
- *Account manager server tracks usage, debits and credits to accounts airtime.*

Loureiro does in at least Fig.7, Fig.9 (mobile internet account, wired internet account, cable TV account, etc.) and Column 5, lines 16-38 discloses balance transfers between subscriptions and further discloses that the subscriptions can be for any type of service, mobile phone service or otherwise. Loureiro does not specifically disclose the usage of airtime to represent account balances per se. However, Ung in at least Fig.1, Fig.3 and Column 1, lines 27-35 and lines 56-67 discloses that with the advent of the Advanced Intelligent Network (AIN) associated with wireless and landline services subscribers have numerous service offerings such as Call Redirection, Call Screening, Interactive Voice Response (IVR), custom billing, etcetera. Ung in at least Column 2, lines 64-67 and Column 3, lines 1-6 discloses that the subscriber's account balance can be in dollars or remaining time. Ung in at least Column 4, lines 33-41 discloses that the reporting module which accurately accounts for and determines the total minutes remaining in a subscriber's account by accommodating and adjusting for each potential different rate plan associate with each recharge or replenishment. This enables the service provider to not only accurately report the account balance in terms of time remaining at any convenient time (e.g., during the call process), but also to correctly manage the subscriber account and call duration. Ung in at least Fig.1 and Column 4, lines 42-53 further discloses a **"time remaining determination module"** for reporting of time remaining to the subscriber.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine Loureiro's well known hierarchal creation elements and various service types with Ung's account balance elements with the motivation of providing subscribers a detailed accounting of

their account balance in either a monetary or remaining time basis for all of their service accounts..

**Claims 10-13 and 16-18:**

With regard to the further limitations:

- ***Account has account authorization via password via keypad input, voice or system recognition.***
- ***Authorization is performed over-the-air.***

Loureiro does not specifically disclose logging into an account and using a password per se. However, Loureiro in at least Column 2, lines 48-57 and Column 3, lines 45-55 discloses a customer logging into a customer self-care web server via the Internet or other type of network to invite other customers to join the invitation sender's hierarchy. Loureiro in at least Column 2, lines 58-63 further discloses that an account level invitation leaves the invited account with full control over its sub-tree of accounts and/or subscriptions, resulting in a multi-account hierarchy. Ung in at least Column 5, lines 3-11 discloses the use of a personal code or other password to properly authorize access to a subscriber's account. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Loureiro's customer login over the internet or other type of network with Ung's password requirement with the motivation of securing customer's account and personal information from fraud or other unauthorized entry.

**Claim 14:**

With regard to the further limitation of Claim 10:

- ***A transaction point allowing users to manage various accounts.***

Loureiro in at least Column 5, lines 12-16 and Column 6, lines 23-44 discloses that after the creation or modification of the customer hierarchy is completed, customers may perform account

functions including balance transfers, configurable reload patterns, account value reload, and service value reload.

#### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

6 December 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627